

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JACQUELYN MUSIELLO, *and other employees  
similarly situated*,

Plaintiff,

-v-

CBS CORPORATION, CBS RADIO INC.,  
CBS SPORTS RADIO NETWORK INC.,  
ENTERCOM COMMUNICATIONS CORP.,  
DAN TAYLOR, MARGARET MARION,  
ABC CORPORATIONS 1–5, and  
JOHN DOES 1–10,

Defendants.

20 Civ. 2569 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On April 30, 2020, defendant CBS Corporation filed a motion to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure. Dkt. 18. On May 5, 2020, the Court issued an order holding the motion in abeyance, pending resolution of defendants' motion to remand. *See* Dkt. 22. That motion has now been decided.

Under Federal Rule of Civil Procedure 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Accordingly, it is hereby ORDERED that plaintiff shall file any amended complaint by June 26, 2020. No further opportunities to amend will ordinarily be granted. If plaintiff does amend, by July 17, 2020, defendant CBS Corporation shall: (1) file an answer; (2) file a new motion to

dismiss; or (3) submit a letter to the Court, copying plaintiff, stating that they rely on the previously filed motion to dismiss.<sup>1</sup>

It is further ORDERED that if no amended complaint is filed, plaintiff shall serve any opposition to the motion to dismiss by June 26, 2020. Defendant CBS Corporation's reply, if any, shall be served by July 3, 2020. At the time the reply is served, the moving party shall supply the Court with an electronic courtesy copy of all motion papers, as PDF files, by sending a single email to: EngelmayerNYSDchambers@nysd.uscourts.gov.

SO ORDERED.

  
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PAUL A. ENGELMAYER  
United States District Judge

Dated: June 5, 2020  
New York, New York

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<sup>1</sup> If defendant files a new motion to dismiss or relies on its previous motion, plaintiff's opposition will be due 14 days thereafter, and defendants' reply, if any, will be due seven days after that.